

ORIGINAL

Approved:

SHEB SWETT
SHEB SWETT
Assistant United States Attorney

Before: HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

18 MAG 2190

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
- v. -	:	Violations of 8 U.S.C.
CARLOS MANUEL BETANCES LUNA MERA,	:	§§ 1326(a) & (b) (1)
Defendant.	:	COUNTY OF OFFENSE:
	:	BRONX
----- X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

MASON WILHITE, being duly sworn, deposes and says that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, and charges as follows:

COUNT ONE
(Illegal Reentry)

1. From at least on or about February 28, 2018, in the Southern District of New York, CARLOS MANUEL BETANCES LUNA MERA, the defendant, being an alien, unlawfully did enter, and was found in, the United States, after having been removed from the United States subsequent to a conviction for the commission of a felony, without having obtained the express consent of the Attorney General of the United States or her successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) & (b) (1).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. From my review of ICE records regarding CARLOS MANUEL BETANCES LUNA MERA, the defendant, I have learned, among other things, the following:

a. LUNA MERA is a native and citizen of the Dominican Republic and is not and has never been a citizen of the United States.

b. On or about February 16, 2000, LUNA MERA attempted entry at John F. Kennedy Airport using a passport with the name "Ruben Arturo Vazquez." LUNA MERA was denied entry into the United States, and on or about February 17, 2000, he was removed from the United States to the Dominican Republic.

c. On or about October 30, 2000, LUNA MERA was arrested by Massachusetts State Police for possession of cocaine. On or about March 19, 2001, LUNA MERA was convicted in the United States District Court for the District of Massachusetts of illegal re-entry of a deported alien, in violation of Title 8, United States Code, Section 1326. LUNA MERA was sentenced to time served. Based on my training and experience, I understand that illegal re-entry of a deported alien qualifies as a felony conviction within the meaning of Section 1326(b)(1) of Title 8 of the United States Code.

d. On or about April 17, 2001, LUNA MERA was removed from the United States to the Dominican Republic pursuant to an Immigration Judge's order (the "2001 Removal").

e. HSI has performed searches of all relevant ICE indices and confirmed that, following the 2001 Removal, LUNA MERA never obtained the express consent of the Attorney General of the United States, or the Secretary for the Department of

Homeland Security, to reapply for admission to the United States.

4. On or about February 28 2018, law enforcement officers arrested an individual in the Bronx, New York ("Individual-1"). At the time of arrest, Individual-1 had just entered a parked vehicle. LUNA MERA was in the driver's seat of the vehicle. During the course of the arrest, law enforcement officers spoke with LUNA MERA, who stated, in sum and substance, that his name was "Carlos Betances" and that he lacked lawful immigration status in the United States.

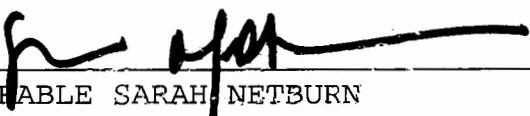
5. I reviewed photographs of LUNA MERA taken in connection with his removal from the United States. Based on this review, I believe that "Carlos Betances," the individual questioned on or about February 28, 2018, and LUNA MERA are the same individual.

WHEREFORE I respectfully request that a warrant be issued for the arrest of CARLOS MANUEL BETANCES LUNA MERA, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



MASON WILHITE
Special Agent
Homeland Security Investigations

Sworn to before me this
15th day of March 2018



HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK